

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Case No. 20-cr-140-01-JL

Christopher Nesbitt

REPORT AND RECOMMENDATION

Defendant Christopher Nesbitt moves, on an expedited basis, for pre-sentencing release. Doc. no. 60. The government consents to release on conditions. A hearing on defendant's motion was conducted on June 16, 2023.

On October 21, 2021, the defendant pleaded guilty to Distribution of Fentanyl. Doc. no. 48. His sentencing is scheduled for August 18, 2023. Nesbitt moves for release pending sentencing, based on his admission to a sober living residence and his significant progress toward rehabilitation while detained over the last approximately eight (8) months.

At the hearing, the parties agreed that this motion is governed by 18 U.S.C. § 3143(a)(1), (2) and/or 3145(c).

At the hearing, the government agreed that under either statute he has, under the unique circumstances of this case, met the conditions of release in § 3143(a)(1), and that there are exceptional circumstances that merit release. The defendant concurred with this analysis. The parties were also in agreement regarding the proposed conditions of release.

The court finds the government's reasoning persuasive and recommends release. With the court's conditions described at the hearing and outlined in the court's June 16, 2023 order (Doc. no. 61),

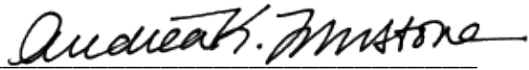
the defendant has shown by clear and convincing evidence that he is not a flight risk or a danger to the community, as required under § 3143(a)(1). In addition, the court finds that exceptional circumstances exist, which merit release. The court therefore finds that the defendant has satisfied the requirements of § 3145(c).

CONCLUSION

For the reasons stated above, the court recommends that the district judge grant the motion for release (doc. no. 60).

The parties have waived objections to this Report and Recommendation.

SO ORDERED.


Andrea K. Johnstone
United States Magistrate Judge

Date: June 16, 2023

cc: Seth R. Aframe, AUSA
Dorothy E. Graham, Esq.